

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE NORTHERN DISTRICT OF ALABAMA**
3 **SOUTHERN DIVISION**

4 **06 MAY -1 AM 10:30**

5 **Michael J. Mirras**

6 **U.S. DISTRICT COURT**
7 **N.D. OF ALABAMA**

8 **Vs.**

Case No.: CV-05-J-2360-S

9
10 **Trans Union LLC**

11 **Defendant**

12 **MOTION FOR PROTECTION FROM**
13 **DEPOSITION DUCES TECUM OF PLAINTIFF**

14
15 Comes now the Plaintiff and motions the court for protection from certain questions and

16 responses to the Defendant Trans Unions Deposition Duces Tecum:

17
18 The Plaintiff has been issued Notice of Deposition Duces Tecum via e-mail on or about 27 April
19 2006 from the Defendants Attorney of record Marc Kirkland.

20
21 The Plaintiff has agreed to meet with the Defendant at the Bessemer Library in Bessemer AL on
22 May 4, 2006 at 9:30 AM in fact the Plaintiff has made the meeting location arrangements for this
23 deposition.

24
25 The Plaintiff wishes to cooperate on all issues or questions that are reasonable to the climax of
26 this litigation.

27
28 The Defendant asks unreasonable questions and requests for production and for documents that
29 are not related to or impact these proceedings. The deposition is overly broad and unduly
30 burdensome. The Plaintiff takes exception to these questions based on the fact that they request

34 confidential/privileged information credit card documents and statements/documents from
35 parties NOT involved in any manner with this action. And documents going back in time for
36 more then 12 years. Plaintiff will elaborate on these questions in the following statements.

37

38 Plaintiff invokes Rule 45c (3) (A)(iii)(iv)

39

40 Plaintiff has attached a copy of the Defendant Trans Union LLC's Notice of Deposition Duces
41 Tecum of Plaintiff Michael J. Mirras for the court's convenience. Question followed by number
42 references the questions in the deposition attached.

43

44 Question 1-The Defendant has requested the addresses of the Plaintiff going back in time for 10
45 years and also the Plaintiffs employers for the same period in time. Drivers licenses for 10 years.

46 ***Defendant has current Copy of Plaintiffs Alabama driver's license US Passport and Birth
47 Certificate.** Only documents relative to Trans Union in this action should be allowed.

48 Documents pertaining to the Plaintiffs bills, invoices, canceled checks, credit report of other
49 credit reporting agencies and disputes with other credit reporting agencies other then Trans
50 Union are confidential/privileged in nature and there is no other pending litigation with those
51 other entities. Burdensome and irrelevant in this action to produce.

52

53 Question 2-The Plaintiff can produce his current social security card and does not have any other
54 card to submit or produce in his possession.

55

56 Question 3-The Defendant has been submitted copies of these documents and has produced those
57 copies to the Plaintiff on or about February 3rd 2006, in a packet of over 700 pages received from
58 the Defendant, which contained the Plaintiffs Credit reports and dispute letters from

59 approximately 2002 forward through February 2006. In those documents the Defendant has
60 copies of the Plaintiffs Birth Certificate SS card and drivers license and U.S. Passport. *The
61 **Plaintiff will be pleased to provide for examination the original of these documents at the**
62 **deposition, to request documents that are not available going back 12 years or more is**
63 **unreasonable and burdensome.**

64

65 Question 4- Consumer reports of other Credit Reporting Agencies are also
66 confidential/privileged in nature and as the Plaintiff has NO pending litigation involved with
67 these other companies is burdensome and irrelevant in this action to produce.

68

69 Question-5 No Objection

70

71 Question 6- Only documents relative to Trans Union in this action should be allowed.
72 Documents pertaining to the Plaintiffs bills, invoices, canceled checks, credit report of other
73 credit reporting agencies and disputes with other credit reporting agencies other then Trans
74 Union are confidential/privileged in nature and there is no other pending litigation with those
75 other entities. Burdensome and irrelevant in this action to produce.

76

77 Question 7- Copies of all Plaintiffs credit card/charge card front and back for seven years
78 presents a security issue and is also confidential/privileged in nature. Plaintiff would be subject
79 to other issues if those documents were to become lost or misplaced.

80

81 Question 8- Plaintiff can and will produce only those documents relevant to Trans Union in this
82 action in claims made in his complaint from 2002 forward. Asking to produce documents 10
83 years old is burdensome and irrelevant in this action to produce when they do not apply to Trans

84 Union and the allegations in the complaint. However the Plaintiff can produce Credit Reports
85 from Trans Union only, going back 10 years and would be willing to do so.

86

87 Question 9- Plaintiff can and will produce only those documents relevant to Trans Union in this
88 action in claims made in his complaint from 2002 forward. Asking to produce documents 10
89 years old is burdensome and irrelevant in this action to produce when they do not apply to Trans
90 Union and the allegations in the complaint.

91

92 Question 10- Plaintiff can and will produce only those documents relevant to Trans Union in this
93 action in claims made in his complaint from 2002 forward. Asking to produce documents 10
94 years old is burdensome and irrelevant in this action to produce when they do not apply to Trans
95 Union and the allegations in the complaint.

96

97 Question 11- Plaintiff can and will produce only those documents relevant to Trans Union in this
98 action in claims made in his complaint from 2002 forward. Asking to produce documents 10
99 years old is burdensome and irrelevant in this action to produce when they do not apply to Trans
100 Union and the allegations in the complaint. Producing credit card statements again produces a
101 security risk for the Plaintiff. Plaintiff fails to see the relevance of conversations or letters with
102 creditors or potential creditors not directly related to Trans Union and this action. Plaintiff will
103 produce documents directly relating to Trans Union and allegations in the complaint.

104

105 Question 12- Plaintiff will produce the names of individuals having knowledge of this case and
106 expert witness identification. However the Plaintiff has no way of knowing of any criminal
107 background of these individuals. Plaintiff will not be able to produce documents from courts,

108 decrees, pleadings etc of a criminal nature as the Plaintiff has no means to require those
109 individuals to produce those documents.

110

111 Question 13- Only documents relevant to Trans Union and this action. Only if Trans Union was
112 relevant in credit report use and or identified as the source of negative credit information.

113

114 Question 14- Only documents relevant to Trans Union and this action. Only if Trans Union was
115 relevant in credit report use and or identified as the source of negative credit information.

116

117 Question 15-Only documents relevant to Trans Union and this action. Only if Trans Union was
118 relevant in credit report use and or identified as the source of negative credit information.

119

120 Question 16- Plaintiff will discuss all new accounts opened since 2003

121

122 Question 17-No objection, as this would pertain to this action and Trans Union.

123

124 Question 18-This has been an ongoing issue with the Defendant as the Defendant has all
125 documents sent to them and has provided copies of same to the Plaintiff. Plaintiff finds this
126 information redundant as the Defendant already has letters of communication/dispute sent to
127 them since 2003. Plaintiff does not mind answering relevant questions and producing documents
128 but these have been produced and are in the possession of the Defendant. Plaintiff objects to
129 rehashing the same information over again.

130

131 Question 19-No Objection

133 Question 20-No objection

134

135 Question 21- No Objection

136

137 Question 22- Only documents relevant to Trans Union and this action. Only if Trans Union was
138 relevant in credit report use and or identified as the source of negative credit information. There
139 is no pending litigation against any other credit-reporting agency.

140

141 Question 23- Only documents relevant to Trans Union and this action. Only if Trans Union was
142 relevant in credit report use and or identified as the source of negative credit information. There
143 is no pending litigation against any other credit-reporting agency.

144

145 Question 24- No objection,

146

147 Question 25- No objection,

148

149 Question 26- Only documents relevant to Trans Union and this action. Documents from 1999
150 forward would constitute as being burdensome and irrelevant in this action to produce when they
151 do not apply to Trans Union and the allegations in this pending action. Plaintiff would be willing
152 to produce documents from 2003 forward and only those of entities appearing in the Plaintiff's
153 Trans Union credit report of any actions taken.

154

155 Question 27- No Objection

156

157 Question 28-Only documents relevant to Trans Union and this action. All documents from 1999
158 forward would constitute as being burdensome and irrelevant in this action to produce when they
159 do not apply to Trans Union and the allegations in this pending action. Plaintiff would be willing
160 to produce documents from 2003 forward and only those of entities appearing in the Plaintiff's
161 Trans Union credit report of any actions taken.

162

163 Question 29- Stipulation: Plaintiff has such parties however those findings are not complete and
164 Plaintiff and Defendant if inclined could reach an agreement as to when they would be produced.

165

166 Question 30- No objection.

167

168 Question 31- No objection.

169

170 Question 32- No objection.

171

172 Question 33- This has been an ongoing issue with the Defendant as the Defendant has all
173 documents sent to them since 2003 and has provided copies of same to the Plaintiff. Plaintiff
174 finds this information redundant as the Defendant already has letters of communication/dispute
175 sent to them since 2003. Plaintiff does not mind answering relevant questions and producing
176 documents but these have been produced and are in the possession of the Defendant. Plaintiff
177 objects to rehashing the same information over again.

178

179 Question 34- No objection

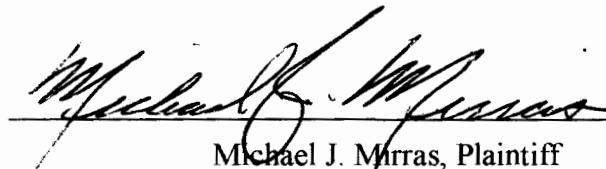
180

181 Question 35- No objection.

CERTIFICATE OF SERVICE

This is to certify that true and correct copies of the above and forgoing documents have been forwarded to the Defendant via e-mail, on this 29th day of April 2006.

Strasburger & Price
Marc Kirkland
mkirkland@strasburger.com
2801 Network Blvd. Suite 600
Frisco, TX 75034
469.287.3946



Michael J. Mirras, Plaintiff
12484 Windy Ridge Dr.
McCalla, AL. 35111
205-938-1982